No. 04-66
Vide 04-231

Title: Abdela Tum, et al., Petitioners

v.

Barber Foods, Inc., dba Barber Foods

Docketed: July 15, 2004
Lower Ct: United States Court of Appeals for the First Circuit
Case Nos.: (02-1679, 02-1739)
Decision Date: March 10, 2004

Questions Presented

~~Date~~	~~~~~~~~Proceedings and Orders~~~~~~~~~~~~~~~~~~~~~~~~
May 27 2004	Application (03A983) to extend the time to file a petition for a writ of certiorari from June 8, 2004 to July 8, 2004, submitted to Justice Souter.
May 28 2004	Application (03A983) granted by Justice Souter extending the time to file until July 8, 2004.
Jul 8 2004	Petition for a writ of certiorari filed. (Response due August 16, 2004)
Nov 23 2004	DISTRIBUTED for Conference of December 10, 2004.
Dec 2 2004	Response Requested . (Due January 3, 2005)
Jan 3 2005	Brief of respondent Barber Foods, Inc. in opposition filed.
Jan 18 2005	DISTRIBUTED for Conference of February 18, 2005.
Jan 21 2005	Reply of petitioners Abdela Tum, et al. filed. (Distributed)
Feb 22 2005	Petition GRANTED limited to Question 1presented by the petition and the following: "Do employees have a right to compensation for time they must spend waiting at required safety equipment distribution stations?". The case is consolidated with No. 03-1238 and a total of one hour is allotted for oral argument.
Mar 25 2005	Extension of time within which to file the joint appendix and petitioner's brief on the merits to and including May 9, 2005. VIDED.
May 2 2005	Further extension of time within which to file the joint appendix and petitioners' briefs on the merits to and including May 16, 2005. VIDED
May 16 2005	Brief amicus curiae of United States filed.
May 16 2005	Joint appendix filed.
May 16 2005	Brief of petitioners Abdela Tum, et al. filed.
May 16 2005	Brief amici curiae of National Employment Lawyers Association, et al. filed.
May 17 2005	Brief amicus curiae of AFL-CIO filed. VIDED.
May 23 2005	Extension of time within which to file respondents' briefs on the merits to and including July 13, 2005. VIDED
Jul 8 2005	Further extension of time within which to file respondent's brief on the merits to and including August 1, 2005.

Jul 13 2005	Consent to the filing of amicus briefs in support of either party received from counsel for the petitioners
Jul 20 2005	CIRCULATED.
Jul 20 2005	SET FOR ARGUMENT on Monday, October 3, 2005.
Aug 1 2005	Brief amicus curiae of Chamber of Commerce of the United States, et al. filed. (Distributed)
Aug 1 2005	Brief amici curiae of National Chicken Council and American Meat Institute filed. (Distributed)
Aug 1 2005	Brief of respondent Barber Foods, Inc., dba Barber Foods filed. (Distributed)
Aug 2 2005	Record received from U.S.C.A. 1st Circuit. (1 box)
Aug 9 2005	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument filed. VIDED
Aug 14 2005	Record received from U.S.D.C. for District of Maine. (1 box)
Aug 15 2005	Motion for divided argument filed by respondents Alvarez, et al. VIDED
Aug 15 2005	Motion for divided argument filed by IBP, Inc. and Barber Foods, Inc. (VIDED)
Sep 2 2005	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument GRANTED.
Sep 2 2005	Motion for divided argument filed by respondents Alvarez, et al, DENIED
Sep 2 2005	Motion for divided argument filed by IBP, Inc. and Barber Foods, Inc., DENIED
Sep 6 2005	Reply of petitioners Abdela Tum, et al. filed. (Distributed)
Oct 3 2005	Argued. For petitioner in 03-1238 and respondent in 04-66: Carter G. Phillips, Washington, D.C. For respondents in 03-1238 and petitioners in 04-66: Thomas C. Goldstein, Washington, D.C.; and Irving L. Gornstein, Assistant to the Solicitor General, Department of Justice, Washington, D.C. (for United States, as amicus curiae.)